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## Do “Virtue Ethics” Require “Virtue Politics”?

**ABSTRACT:** *If, as Aristotle argues, human beings cannot acquire the habits needed to make them virtuous if they do not receive a correct upbringing, and this upbringing needs to be supported and preserved by law, one has to ask how citizens of modern liberal democracies can become virtuous, since their laws do not explicitly identify, reward, and honor virtuous behavior. This article examines the three different answers to this question proposed by the liberal M. Nussbaum, the communitarian A. MacIntyre, and the libertarians D. den Uyl and D. Rasmussen, and finds none entirely satisfying. Ironically, none of these commentators takes account of the educational activity in which they like Aristotle are engaged.*

**KEYWORDS:** *virtue ethics, liberal democracy, Nussbaum, MacIntyre, Rasmussen, den Uyl, practical reason, human flourishing, neo-Aristotelian*

Virtue ethics now constitutes one of three major approaches to the study of ethics by Anglophone philosophers (Hursthouse 2012). Its proponents almost all recognize the source of their approach in Aristotle, but relatively few of them confront the problem that source poses for contemporary ethicists. According to Aristotle, *ethikē* belongs and is subordinate to *politikē* (Aristotle 2011. 13; NE 1.2.1094b4–11). But in the liberal democracies within which most, if not all Anglophone ethicists write, political authorities are not supposed to dictate or legislate the good of individuals; they are supposed merely to establish the conditions necessary for individuals to choose their own “life paths.” If, as Aristotle argues, the good life for a human being is a virtuous life, and if human beings cannot acquire the habits needed to make them virtuous if they do not receive a correct upbringing, and this upbringing needs to be supported and preserved by correct legislation, one has to ask how citizens of liberal democracies can become virtuous, if the laws of their regime do not explicitly identify, reward, and honor virtuous behavior and punish vice.

Contemporary ethicists who have addressed this question have proposed three very different answers to the question of how “virtue ethics” ought to

be related to politics in modern nation-states. Martha Nussbaum advocates an “Aristotelian social democracy” which seeks to provide all human beings with the capacities – intellectual and moral as well as material – they need to choose the best way of life – whereas Alasdair MacIntyre looks to smaller, tradition-based communities within larger nation states to provide moral education. Because political action is coercive and truly ethical or virtuous action is voluntary, Douglas den Uyl and Douglas Rasmussen argue that ethics and politics should be strictly separated. In this paper I propose to examine each of these attempts to revive an Aristotelian understanding of ethics, bringing out the advantages and problems involved in each as well as the ways in which the three different proposals intersect.

All three of these contemporary attempts to appropriate an Aristotelian understanding of ethics in a liberal democratic political context begin by jettisoning some distinctions that he claims are natural. For example, they deny that there is “natural” slavery and that women should generally be subordinate to men. But, since they all disown Aristotle’s natural hierarchy, we have to ask what they think the basis of the “Aristotelian” understanding of human “perfection” or “flourishing” they adopt is.

#### NUSSBAUM’S “ARISTOTELIAN SOCIAL DEMOCRACY”

Early in her career Nussbaum argued for an understanding of the human good based on human nature. But she distinguished the understanding of human nature upon which she relied very sharply from “objective” scientific notions of nature based on external observations. Like Aristotle, she contended, many human beings have articulated an “internal” understanding of what it is to be human as neither an immortal god nor a beast (Nussbaum 1986, chapters 8–9). More recently, however, she has argued that the understanding of what it is to be human she is proposing represents an “overlapping consensus” of the beliefs and practices of many cultures that is not grounded “in a specifically Aristotelian conception of human nature” (Nussbaum 2002. 91). This overlapping consensus points to a series of common spheres of experience; and from these “spheres of experience” she derives a corresponding set of “non-relative virtues” (Nussbaum 1988b. 35–36.). But having explicitly jettisoned the Aristotelian notion of a single human good, Nussbaum moves relatively quickly from her list of “non-relative virtues” to a list of the “capabilities” necessary for a human being to function well. As a result, the central focus of her work shifts from the “ethical” question concerning the definition and requirements of a good human life to the “political” question concerning the just distribution of goods necessary to give all human beings the capacity to choose to live as they think best.

Although Nussbaum explicitly jettisons Aristotle's notion of human nature and endorses a more open, free, egalitarian, and pluralistic understanding of the human good, she recurs nevertheless to his famous claim that human beings are by nature political for two reasons. The first is that the claim applies to the whole species; it is not limited to the citizens of any particular regime or state. Nussbaum found such a universal standard useful in formulating her list of the capabilities a human being needs in order to choose a good life with an eye particularly to the "quality of life" for developing countries (Nussbaum 2002. 51–52). The second reason she stresses Aristotle's emphasis on the *political* character of a distinctively human life is that it highlights the importance of developing one's practical reason and affiliation or association with others. In general, Nussbaum argues that the "thin vague conception of the good" articulated by liberal theorists such as John Rawls and Ronald Dworkin is inadequate, because it requires only a minimal distribution to all citizens of the "bare essentials" that are "prerequisites for carrying out their plans of life." These "primary goods" are conceived in terms merely of "wealth, income, and possessions" (Nussbaum 2002. 54–55). But, she objects, human beings need more than money to be able to make informed choices. They need education, nurturing or supportive associations, and protection from demeaning labor. Their specific needs will also vary, moreover, according to their particular circumstances. The "Aristotelian approach" she champions "takes cognizance of every important human function, with respect to each and every citizen. But [ . . . ] [it] does not aim directly at producing people who function in certain ways. It aims, instead, at producing people who" have both the training and the resources to so function as they choose. The task of government is to enable citizens to choose; "the choice is left to them." Like a liberal, she argues that an Aristotelian holds "that political rule is a rule of free and equal citizens." But she insists that citizens are treated as free and equal only if they live in conditions necessary for the exercise of choice and practical reason (among which are education, political participation, and the absence of degrading forms of labor). (Nussbaum 2002. 62)

In light of the importance Nussbaum attributes to the development of practical reason it may seem surprising that she does not emphasize the importance of political participation more. She insists merely that all citizens (or adults) should be able to hold office, not that they actually do so. In contrast to Aristotle (Pol. 3.2.1277b25–27), she does not think that ruling is a necessary part of a citizen's education, particularly in developing *phronêsis*, the one virtue he says is peculiar to ruling (Nussbaum 1986. 349).

Her emphasis on enabling citizens to choose and not mandating any choice points, moreover, to two very large sets of problems.

The first concerns the division of labor within any political community (or the world as a whole). It is curious that an ethicist who has co-authored with a Nobel prize-winning economist says so little about how the resources to supply

each and every human being with the capabilities she lists are to be found or produced. What happens if a sufficient number of individuals do not choose to perform the functions needed for the survival or flourishing of the community? Clearly some tasks are more attractive than others, and human beings are not so uni-dimensional that we are “programmed” to perform one and only one task by nature (as Socrates imagines in the *Republic*). Marx thought that modern technology would overcome the need for a division of labor, but things have not gone as he predicted. And where the government does not mandate a certain division of labor, the lives individuals choose are shaped not only by their families, cultures, and governments, but also by market forces that give some individuals an incentive to produce more than they need and others an incentive to perform jobs that are not rewarding in themselves.

Nussbaum would respond by observing that Aristotle was no friend of unregulated production and free market exchange; he argues that human beings should not seek to acquire any more property than needed to support a good life. He suggests that governments should make sure that their citizens have good air, water, and other necessities like food, and proposes common use of private as well as of publicly owned property (Nussbaum 2002. 47–49, 54–57, 77–78, 86). But, unfortunately for Nussbaum, Aristotle also recognizes that economic restrictions make it impossible for most of the inhabitants of a city to develop all of their distinctively human capacities by engaging in politics or philosophy. Modern industry and technology have made it possible for us to educate many more citizens and to involve them in making political decisions that shape their lives, but many of the restrictions imposed by the need to earn a living and fill essentially unrewarding jobs remain.

Nussbaum acknowledges that there will be problems implementing her “capabilities” approach and that the acquisition of some goods may interfere with the provision of others, but she does not address the root of the problems associated with the supply and demand for goods directly. As an ethicist, she might say that she is simply outlining what ought to be done. Insofar as she claims to be following Aristotle, however, she admits that her political proposals need to be practical.

The question concerning the incentive or incentives to produce points, moreover, to a larger set of questions about human motivation. What leads individuals or groups not merely to produce more than they need but to share their surplus with others? Nussbaum often quotes Aristotle’s statement that when he equates happiness with self-sufficiency, he does “not mean by *self-sufficient* what suffices for someone by himself, living a solitary life, but what is sufficient also with respect to parents, offspring, a wife, and, in general, one’s friends and fellow citizens, since by nature a human being is political” (NE 1.7.1097b7–11). Because Aristotle also insists that no one would want to live without friends (NE 9.9.1169b10), she interprets his discussion of the “political” character of human

life more in terms of the satisfactions human beings derive from intimate associations like friends or family than from civic participation (Nussbaum 1986. 349–62; Nussbaum 2002. 79; Nussbaum 1988a. 161–62). She rightly associates his praise of friendship in the *Nicomachean Ethics* with his critique of Plato's proposals to eliminate both private families and private property on the grounds that human beings care and take more responsibility for persons and things they consider to be their own than those that are held in common. (Nussbaum 2002. 77–78.) But she does not address the problems the need for close and exclusive relations among the members of a polity raises for the "cosmopolitan" approach to human "capabilities" she advocates. What leads or will lead citizens of one nation to share their goods with the inhabitants of poorer countries? A feeling of moral obligation? Sympathy? As Nussbaum recognizes, both tend to become weaker as they become or are applied more generally.

#### ALASDAIR MACINTYRE: FROM TRADITION-BASED COMMUNITIES TO RATIONAL DEPENDENT ANIMALS

Like Nussbaum, MacIntyre seeks to persuade his readers to understand both ethics and politics in terms of the good rather than rights. Further like Nussbaum, MacIntyre finds the source of the approach he advocates in Aristotle, but again like Nussbaum he finds it necessary to modify his Aristotelian source in fundamental—though different—respects. Whereas Nussbaum wants to enrich and extend the "thin vague conception of the good" underlying contemporary liberal political theory, MacIntyre seeks to replace that thin liberal conception of the good with an ancient-medieval understanding. Having jettisoned the ancient-medieval conception of a common human telos or goal, he argues, modern moral philosophy became incoherent; with no end in sight; modern ethicists either subordinated reason entirely to the passions (Hume) or sought, ineffectually, to control human passions with abstract reason (Kant). But instead of trying to articulate a common "internal" understanding of the human good, by nature, as Nussbaum initially did, or, as she did later, in a cross-cultural "overlapping consensus" of opinions and practices, MacIntyre finds the core or basis of a common understanding in a "tradition" that develops over time and contains essentially different, even contradictory notions of the good. In *After Virtue* he emphatically rejects Aristotle's "metaphysical biology," grounded as it is in a teleological view of nature, because it has become incredible as a result of modern natural science. (MacIntyre 1984) Like Nussbaum, he thus jettisons the invidious distinctions Aristotle draws between natural slaves and masters, males and females, Greeks and barbarians. Even in *Rational Dependent Animals* when he acknowledges "natural law" as the foundation of the communities necessary to sustain human life, he emphasizes the dependency everyone has on others and the need to

discover ways of enabling those with disabilities, especially those whose mental disabilities prevent them from voicing their own views, to take part in common deliberations-- at least by proxy. Because he retains a fundamentally historical understanding of the "traditions" that unite the communities that form the lives and self-understanding of their members, MacIntyre can and does, like Nussbaum, maintain that the definition of the common good is open-ended. He also emphasizes the different components and hence potentially conflicting understandings of the good within any given tradition that make it possible for both individuals and sub-groups, as well as the tradition as a whole, to develop a variety of changing conceptions over time.

The vitality of a tradition, MacIntyre argues, is demonstrated by the ability of people living within it to devise new understandings or solutions to the conflicts that inevitably arise among its disparate parts, especially when it encounters other traditions. Those of us living in the West have inherited very different, indeed essentially incompatible "tables" or understandings of human virtue presented in the Homeric epics, ancient philosophy, medieval theology, and modern novels like those of Jane Austen. In *After Virtue* MacIntyre suggested that these different notions provide the material from which each individual can construct his or her personal identity in the form of a narrative of his or her own development—in conjunction with supervening community deliberations about the content, character and requirements of the common good. But, as Nussbaum noticed in her review of *Whose Justice? Which Rationality?* for *The New York Review of Books*, MacIntyre later dropped that novel-like option for individuals giving coherence and meaning to their own lives, independent of the community (Nussbaum 1989).

MacIntyre would no doubt see Nussbaum's critique of the reliance on religious authority in the two efforts to integrate classical and Scriptural understandings of virtue he praises, first by the medieval Catholic theologian Aquinas and later by the Calvinist philosophers of the Scottish Enlightenment, as merely another example of the modern liberal rebellion against any form of authority. And, he would remind Nussbaum that, as Aristotle argues, not merely the authority, but the force of law is needed to educate human beings in virtue. Although he too endorses an open-ended and pluralist definition of the human good, her "capabilities" approach is far too individualistic and decisionist for him to accept.

Both of these neo-Aristotelians emphasize the importance not merely of education in general, but more specifically of enabling each and every human being to develop his or her practical reason; and both understand education to involve much more than mental training. But MacIntyre stresses the ways in which family, community, and tradition shape the character and lives of individuals, whereas Nussbaum seeks to specify the conditions that make it possible for an individual truly to choose his or her own "life path." No one chooses the fam-

ily, country, or time in which he or she is born, MacIntyre points out, yet the place, time, and people among whom we are born shape our lives in irrevocable ways. Both Nussbaum's early embrace of an "internal" as opposed to externally observable definition of the human good and her later insistence on providing each and every individual with the capabilities necessary to choose his or her own good are far too "subjective." These "choices" are, in the final analysis, too close to the "preferences" individuals express in voting or buying goods. As Nussbaum herself emphasizes, such preferences can be shaped by education, experience, and external circumstances, but they are not necessarily the products of rational deliberations about what is in the common good. MacIntyre agrees with Nussbaum that choices of ways of life, as well as membership and specialized roles in particular communities are evaluative. But, he argues, such evaluations are not mere expressions of "values" based ultimately on subjective feelings rather than reason or knowledge. Just as the judgment that a clock that does not keep time is a bad clock is evaluative, but factual, so is the judgment that a cobbler who cannot make shoes that fit is a bad cobbler and a man who does not contribute to the common good is a bad man. Human "practices"—both activities and products—are judged in terms of their particular ends; and these particular ends are, in turn, evaluated in terms of their contribution to the common good.

Arguing that all particular goods—activities and individual lives—are and should be evaluated by what they contribute to the common good, MacIntyre follows Aristotle more closely than Nussbaum in emphasizing the importance of individuals actually and actively participating in the political decisions that shape their lives. Both Nussbaum and MacIntyre explicitly follow Aristotle in recognizing that human communities are formed and sustained by the intimate relations we associate with friendship, and that these intimate relations cannot be extended over great distances or among many people without becoming diluted, if not entirely destroyed. But MacIntyre concludes that the spatio-temporal limitations on any real community are a reason not to formulate universal, "cosmopolitan" definitions of the human good.

Following Aristotle, MacIntyre observes that the authoritative decisions that shape the lives of all the members of a given community take the form of laws, and that these laws educate or form the character of all the members of a given community in two different ways. The first is by praising or honoring certain kinds of people or deeds; the second is by not merely blaming, but punishing persons who either neglect to perform their duties or who positively harm rather than help other members of the community. Precisely because some actions and characteristics are deemed better than others, MacIntyre points out, "virtue ethics" are essentially hierarchical; and like Aristotle, he suggests that there is a kind of natural basis for the hierarchy. Whereas Nussbaum cites only the understanding of justice Aristotle attributes to democrats—that equals should receive



equal portions—MacIntyre endorses Aristotle's full, proportional definition of justice as giving equal things to equal persons, and unequal things to unequals.

Both Nussbaum and MacIntyre emphasize Aristotle's argument (Pol. 1256a1–1258a18) that the unlimited accumulation of wealth characteristic of capitalism is bad, because it leads people to confuse the means of living well with the good life itself. Both explicitly agree with Aristotle that people should seek to acquire only what they need to live well—and no more. But, in contrast to Nussbaum, MacIntyre explicitly recognizes the limits such a needs-based restriction on acquisition involves. Not only must a community that seeks to involve everyone in their own government be small. It must also seek to be self-sufficient, so that its members will not become subject to the abuses that flow from the economic inequality inevitably associated with a “free-market” economy (MacIntyre 2001). The members of such a community will be expected to contribute according to their abilities and receive according to their needs—to the extent that is possible.

MacIntyre insists that large modern nation-states cannot provide their citizens with the sort of practical education that enables them to become independent practical reasoners conscious of their dependency upon others. But he acknowledges that it is difficult to imagine their withering away in the foreseeable future. Indeed, he recognizes that these large states perform a necessary function insofar as they protect public security—from external aggression and internal crime. He contends, however, that these large nation-states need to be supplemented, even in the provision of security, by smaller, more participatory associations—both because the nation-states do not provide soldiers or police with a sufficient incentive to perform their duty by assuring them that, if they die or are wounded, they and their dependents will be provided for, and because the state itself can constitute one of the primary threats to public security, especially internally. He looks to forms of association, intermediate between the modern state and the contemporary family, to provide people with the necessary education in practical reason through common deliberations.

Critics have raised three major objections to MacIntyre's tradition-based understanding of “virtue ethics.” The first objection, raised by other “neo-Aristotelians” like Den Uyl and Rasmussen is that by subordinating the individual entirely to the practices and decisions of the community, MacIntyre's approach destroys the individual freedom and responsibility that are essential to virtue, as Aristotle described it (see below). The second objection is that MacIntyre's “redescription” of Aristotle's understanding of virtue or, even more, Thomas Aquinas's argument concerning the natural law as a “tradition” is neither philosophically nor historically accurate (Coleman 1994). Even when he shifts the basis of his understanding of community and the character of virtue ethics from “tradition” simply to “natural law,” MacIntyre treats natural law more as establishing the basis of community in mutual dependency and shared vulnerability



than as pointing to distinctive ends or goals of human action, on the basis of which individual human beings and communities can be judged better or worse. Feminist critics have praised MacIntyre for his emphasis not merely on the mutual "care" our shared vulnerabilities make necessary, but on the need to find a way of including the voices of those least able to speak for themselves. But, stating the third major objection to his position, they criticize MacIntyre for allowing only internally based criticisms of traditions that arise out of conflicts within them. He does not provide a universally applicable standard of the human good on the basis of which women, for example, could protest the secondary status and social roles to which most tradition-based communities have confined them (Frazer – Lace 1994).

#### RASMUSSEN AND DEN UYL'S PERFECTIONIST ARGUMENT FOR NON-PERFECTIONIST POLITICS (RASMUSSEN – DEN UYL 2005)

Following Aristotle, both Nussbaum and MacIntyre argue that efforts to provide human beings with the habits, dispositions, and rational ability to live good and virtuous lives require political support. Explicitly labeling their own position as "neo-Aristotelian," because in this respect they clearly break with Aristotle, Rasmussen and Den Uyl maintain that ethics and politics are and should be strictly separated. Their central contention can be simply stated: political action is coercive; truly ethical or virtuous action is voluntary. A person is not truly moderate, generous, or witty, if forced to act moderately or generously and to speak with humor. Insofar as virtue consists in certain kinds of activities, moreover, it exists in individual, embodied actors, not in communities. Virtue ethics is and ought to be concerned, therefore, with the happiness or flourishing of individuals, not with common goods (as in MacIntyre) or with the distribution of goods produced by some to others (as in Nussbaum). And political authority or the state ought to be restricted to protecting the liberty of individuals that makes it possible for them to seek to flourish in the way they desire and think best.

Rasmussen and Den Uyl contend that both their Lockean political philosophy, that would restrict the state to protecting the rights of life, liberty and the pursuit of happiness, and their Aristotelian understanding of ethics are founded on nature. The understanding of nature in their political and ethical theories might seem to be different. With regard to politics they follow Locke in maintaining that no one rules anyone else by nature; governments are instituted by human beings (as Aristotle also recognizes); and like Locke they reason that if no one rules anyone else by nature, by nature all human beings are free. They recognize that the teleological view of human nature upon which they base their ethics is more controversial. Echoing some of the worries that MacIntyre voiced in *After Virtue*, they deny that they are relying on a "metaphysical biology." Like

Nussbaum and MacIntyre, they follow Aristotle in beginning “with the established opinions, or *endoxa*, of our society and culture.” They observe that “the point of entry for such reflection most often occurs when we examine our lives as a whole and wonder what they are for.” And they conclude that “our general aim is to make our lives as good as possible and to find unity for them” (116).

Like MacIntyre, they admit that teleology has often been associated with “dubious metaphysical views—for example, that the cosmos has some end, that species are fixed and do not evolve” (118). But they do not think that an account of human life in terms of ends requires them “to hold that the cosmos, history, society, or the human race is directed toward some grand *telos*.” They maintain only that individuals have ends, and that there are individual potentialities that are actualized.

In human beings, they argue, “it is the ability to have a correct conception of what is good for oneself (that children and nonhuman animals do not possess) that creates the causal power necessary for the purposeful production of good outcomes. [. . .] As Aristotle states, ‘Reason is for distinguishing the beneficial and the harmful, and so too the just and the unjust. For this distinguishes a human being from the other animals—that he alone has perception of the good and bad and just and unjust and the rest’ (Pol. 1253a14–18)” (124). As Nussbaum and MacIntyre also emphasize, developing one’s practical reason thus becomes crucial to determining what one ought to do.

On the basis of this understanding of the end of human life, Rasmussen and Den Uyl maintain that the human good is objective, because it is a way of living; it is not a mere feeling or subjective experience. And as a way of living it consists in a kind of activity, not merely in the possession of needed goods or virtues. It includes basic goods, “such as knowledge, health, friendship, creative achievement, beauty, and pleasure; and such virtues as integrity, temperance, courage, and justice. These are valuable,” however, “not as mere means to human flourishing, but as expressions of it, and thus as partial realizations of it as well” (133). But, they emphasize, “this view of human flourishing is open to the possibility that there may *not* be a preset weighting. [. . .] for the basic or generic goods and virtues that constitute it.” And “this possibility creates a basis for a conception of human flourishing that is different in many respects from that usually associated with traditional perfectionist theories” (133). It is individualized and diverse.

Rasmussen and Den Uyl distinguish their position most from the other neo-Aristotelians by insisting that human flourishing or virtue must be “self-directed.” Aristotle observes that the difference between sensation and knowledge is that the first is caused by things external to us whereas we can exercise our knowledge when we choose (*De Anima* 417b18–26). That means, however, that both the acquisition of the requisite knowledge of what is good and acting on the basis of that knowledge require effort on the part of the individual. “Only by initiating and maintaining the effort to gain the knowledge, to cultivate the

proper habits of character, to exercise correct choices, and to perform the right actions can someone achieve moral excellence" (139). Nussbaum and MacIntyre agree that "the functioning of one's reason or intelligence, regardless of one's level of learning or degree of ability, does not occur automatically." But, where they both emphasize the kind of support individuals require from others in order to learn how to reason, Rasmussen and Den Uyl insist that "the use of one's practical reason is something each person must do for him or herself" (140).

In maintaining that an ethical or good life occurs only in individuals through their own efforts, Rasmussen and Den Uyl do not deny that human beings "are naturally social animals" or that their associations with others have profound effects upon their development as individuals. On the contrary, they maintain, "we do not flourish independent and apart from [. . .] others. [. . .] As Aristotle makes clear, *philia* (friendship) is one of the constituents of human flourishing. Like MacIntyre, they observe that "we are born into a society or community, and . . . our upbringings and environments are crucial to the formation of our self-concepts and fundamental values" (141–2). But in opposition to MacIntyre, they point out that "though one must flourish in some community or other, [. . .] one is not morally required simply to accept—indeed, one might be required to reject the status quo. [. . .] One might need to refashion a community's values or find a new community."

Like MacIntyre in *Rational Dependent Animals*, Rasmussen and Den Uyl argue that the development of an individual's practical reason requires him or her to take a perspective other than his or her own. But, they observe, the ability to take another's perspective also gives a person critical distance from his or her current situation "to consider abstractly the best that is possible for human beings" (158). So, where Nussbaum and MacIntyre both consider Aristotle's statements about the supremacy of intellectual to moral virtue to be inconsistent and brush them aside along with his teleological view of nature, Rasmussen and Den Uyl suggest that it is possible, indeed, necessary to obtain a general theoretical knowledge of human nature and its end or virtue. That knowledge can and should be used not merely to criticize, but also to create new and different communities, persons, or policies. But, they emphasize, "we need to know when our concern is with knowing what is true and good and when it is with achieving what is good. We should not confuse speculative with practical reason" (159).

# CONCLUSION: HOW VIRTUE ETHICS CAN AND CANNOT BE FOSTERED BY MODERN STATES

Den Uyl and Rasmussen provide important correctives both to Nussbaum's tendency to make ethical or virtuous action a social and political rather than an individual responsibility and to MacIntyre's tendency to subordinate the good of the individual to the good of the community as traditionally defined. But in maintaining that the coercive power of the state should be confined to protecting the lives, liberties, and property of citizens, Rasmussen and Den Uyl do not take sufficient account of the social prerequisites of the individual inventiveness and expression they argue are protected in property rights. They argue that the goods people produce are extensions and expressions of the individuals who created and produced them. So "a person's choices and judgments cannot be said to have been respected if the material expression of those judgments is divested from the individual" (98). In order to invent or produce things, however, human beings have to acquire language in order to become able to think and communicate, and languages are social products. So, in a sense, are human beings, insofar as we are procreated. Granted that it is both just and socially useful to let individuals who invent new modes of production to keep a good part of the profits in order to create an incentive for others to do so, those who helped educate these individuals and the government whose laws make trade possible have a claim to some of the profits as well.

Rasmussen and Den Uyl would no doubt protest that they have not denied that human beings are social by nature and that they flourish only in association with others. They simply maintain that government cannot provide individuals with the education in practical reasoning they need to make good choices about the direction of their own lives. Nor can—or should—government decide which goods ought to be produced or how. (Rasmussen – Den Uyl 2009) Both education and production are better left to the "intermediate" associations of civil society upon which MacIntyre also relies. But they thus ignore, if they do not deny, the authoritative character of the law, which MacIntyre stresses, both in making certain kinds of lives and actions exemplary and in punishing those who either neglect their duties or refuse to obey.

Aristotle would observe that in regimes like the modern nation-state where "the people" have the final say in public decisions, the opinions of the majority will prevail. People did not agree about the definition of the best life for human beings in his time any more than they do in ours; and, he observed, most tried to amass as many of the means of living, i.e., to acquire as much wealth, as they could. That tendency has been furthered by modern political doctrines like the Lockean political philosophy to which Den Uyl and Rasmussen adhere. But that tendency did not prevent Aristotle from trying to persuade his auditors or readers that it was a mistake. His example shows that it is possible to argue per-

suasively (at least to some) that the widespread tendency to accumulate wealth without limit is mistaken. Admitting the necessity of owning a certain amount of "equipment" in order to live a good life, it is still possible to show (as a great many novelists and playwrights do) that wealth does not necessarily bring happiness. Other goods and virtues are more important.

Aristotle was a resident alien who did not have the right to take part in political deliberations in Athens, Nussbaum reminds her readers. But the restrictions on his political activity did not prevent him from founding a school and lecturing or writing on politics and ethics in an attempt to educate citizens and legislators, from Athens and elsewhere. All three of the neo-Aristotelians with whom we have been concerned strangely fail to take account of the character and potential effects of their own work.

What increasing interest in "virtue ethics" reveals, I conclude, is a growing perception that defining morality simply in terms of an opposition between self-interest and the common interest is not sufficient. These conceptions are all too abstract. It does not take an extraordinary education to have a sense of what it means to be a good person or character; and that sense can be expanded and deepened by examples drawn from history, literature, and film. Rigorous investigations of what exactly constitutes a good character or "human flourishing" may be rare, but so, Aristotle would remind us, are prudence and the other virtues. What we need are more educators who seek not to teach their students skills that will enable them to succeed, but who remind them of the importance of practical wisdom and developing a good character. Such educators may not have the authority of the law, but, as Aristotle teaches, virtue is virtue only when it is chosen for its own sake.

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